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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 4, 1992

Mailed via Federal Express

Ms. Donna R. Searcy
Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 "M" Street NW
2nd Floor
Washington, DC 20554

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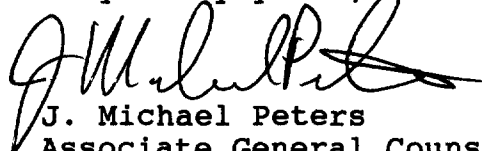
Re: ET Docket No. 92-9

Dear Ms. Searcy:

Enclosed please find an original and 4 copies of the Comments of Western Resources, Inc. to be filed in the above-referenced matter.

Thank you for your assistance.

Very truly yours,



J. Michael Peters
Associate General Counsel,
Regulation

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Enclosures

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of)
)
Redevelopment of Spectrum to) ET Docket No. 92-9
Encourage Innovation in the)
Use of New Telecommunications)
Technologies)
)

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JUN 5 1992

To: The Commission

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COMMENTS OF WESTERN RESOURCES, INC.

Pursuant to Section 1.415 of the Commission's Rules, Western Resources, Inc. hereby respectfully submits its comments on the Notice of Proposed Rulemaking (NPRM), FCC 92-20, released February 7, 1992, in the above captioned matter.

I. Introduction

Western Resources, Inc. is a public utility corporation headquartered in Topeka, Kansas. Western Resources provides gas service in the states of Missouri and Oklahoma and gas and electric service in the state of Kansas. A wholly-owned subsidiary, Kansas Gas and Electric Company, also provides gas and electric service in the state of Kansas. Western Resources, together with its subsidiary, provides gas service to approximately 1,070,000 customers and electric service to approximately 566,000 customers.

Western Resources¹ operates an extensive network of communications systems in many of the authorized bands, including 960 MHz, 2 GHz (1850-2200 MHz), 6 GHz and 18 GHz. 2 GHz is used in 13 hops out of 36 total hops in the system. This includes 3 hops recently converted from 6 GHz to 2 GHz which cured path reliability problems

¹References to Western Resources will include the operations and activities of its wholly-owned subsidiary, Kansas Gas and Electric Company.

II. The 1850-2200 MHz Band Should Not Be Reallocated For The Creation Of A Spectrum Reserve

Western Resources, Inc. opposes a reallocation of spectrum in the 1850-2200 MHz band for the creation of a spectrum reserve for the development of emerging technologies. Western Resources, and, therefore, its customers, will be materially and adversely affected by the proposed reallocation of the 2 GHz band. These adverse affects include the following:

- (A) The 2 GHz band is technically superior in the operating environment of Western Resources. Western Resources operates in a principally rural environment with long paths. The 2 GHz frequency is less susceptible to atmospheric conditions which cause path degradation. Higher frequencies, such as 6 GHz and 10 GHz can be in blackout fade, while the 2 GHz band would continue to operate

Less path clearance is required, as the 2 GHz transmission will penetrate foliage, thus allowing for longer path lengths. The capability to use longer path lengths also is affected by the considerations noted above concerning atmospheric condition degradation. The cost benefits of the ability to use long path lengths are apparent, since Western Resources' system extends over approximately 1/2 of Kansas and parts of Oklahoma and Missouri.

Further economic consideration to Western Resources and its customers is that the 2 GHz support structure can be lighter in design, due to the ability of the 2 GHz band to be more tolerant of tower sway or twist.

Finally, the transmission line components are less expensive and much easier to work with than the elliptical wave guide or rigid wave guide required in the higher frequencies. 2 GHz coax can also be foam filled, eliminating the need for pressurization hardware.

From the point of view of Western Resources, the 2 GHz frequency is technically superior and economically preferable before reaching the question of the cost of relocation.

- B. The expense of replacing the 2 GHz system for Western Resources would be large and would result in a more expensive and very probably less reliable system. The cost of relocation would be in the range of \$1.5

million to \$2.5 million, based on alternate 2 GHz or 6 GHz frequencies. The determination of actual costs would require an extensive path by path analysis to determine the necessity of intermediate sites and new tower and site construction. Although the extent of such additions is not calculable without a study, some additions are certain, since higher frequencies trend toward shorter paths and require tighter tower specifications.

Western Resources, Inc. urges the commission to consider alternate bands, such as the 2500-2690 MHz "wireless cable" band as a possible "home" for the spectrum reserve.

III. Actions To Be Taken If 2 GHz Band Is Reallocated

A. Existing 2GHz Users Should Have Co-Primary Status

Western Resources, Inc. urges that if the 2 GHz band is reallocated for emerging technologies, the Commission should grant indefinite co-primary status for all existing 2 GHz microwave systems and should permit reasonable system modifications and expansions.

The Commission should adopt rules allowing for the use of voluntary negotiations between licensed users and new service providers.

In no circumstances should new services in the band be authorized on an unlicensed basis or any other basis where existing users would be unable to secure reimbursement for relocation or identify interference sources.

B. The 1710-1850 MHz Band Should Be Made Available For Displaced 2 GHz Users

Western Resources, Inc. urges the FCC and the National Telecommunications and Information Administration (NTIA) to commence discussions to open the 1710-1850 MHz Federal government spectrum for use by displaced 2 GHz users on a co-primary, non-interference basis. The cost of changing to this band would be approximately \$1.5 million. The performance and reliability problems of using the higher frequencies in rural areas could also be avoided by utilizing this band.

C. The FCC Should Open The 4, 6, and 11 GHz Bands For Private Microwave Use

Western Resources, Inc. is concerned that relocation from the 2 GHz band will cause severe availability problems in the alternative bands. Therefore, if relocation is to be required, Western Resources supports the Utilities Telecommunications Council "Petition for Rulemaking," filed March 31, 1992, to make the 4 GHz, 6 GHz, and 11 GHz common carrier bands available for routine licensing in the Private Operational Microwave Service under Part 94, and to adopt appropriate channeling plans and technical standards to ensure that these bands are adequate to meet the needs of existing and future private microwave systems.

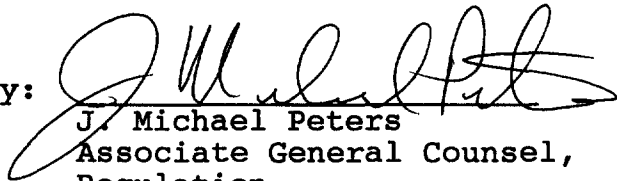
IV. Conclusion

Western Resources and its customers will be materially and adversely affected by any requirement that its microwave operations, particularly in the rural areas, be moved from the 2 GHz band. If the 2 GHz band is to be reallocated, all existing 2 GHz systems should be granted indefinite co-primary status which should include reasonable modifications and expansions. Finally, any system for providing for reallocation to new users should include a market-based approach to negotiations between existing users and new licensees. In no event should this process require the absorption of any transitional costs by existing licensees and, ultimately, their customers.

Wherefore, The Premises Considered, Western Resources, Inc. respectfully requests the Commission to consider these Comments in acting on the subject Notice of Proposed Rule Making.

Respectfully submitted,
Western Resources, Inc.

By:


J. Michael Peters
Associate General Counsel,
Regulation

Western Resources, Inc.
818 Kansas Avenue
Topeka, Kansas 66601

June 4, 1992

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